

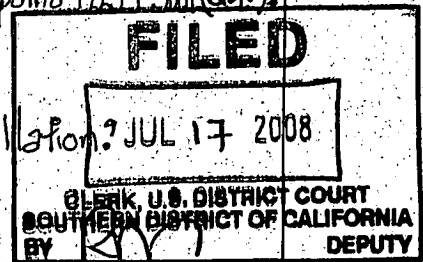
(Name) 'Notice of Application and Hearing' 'entity treatment' 'S&L PP suit.

(Address) Calipatria State Prison, Calipatria (CAL) 7018 Blair Rd, PO Box 5001, Calipatria 92233-5001 (C.T.).

(City, State, Zip) In Propria Persona *virtute officii* *resipsy*.

(CDC Inmate No.) 'Duly authorized person,' 'assigned case worker' 'collation' JUL 17 2008

2254	1781
FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
FPP MOTION FILED	
Yes	No <input checked="" type="checkbox"/>
COMPLAINT TO	
Court	ProSe <input checked="" type="checkbox"/>



United States District Court Southern District of California

PEOPLE OF THE STATE OF CALIFORNIA, 'all occupants'
(Enter full name of plaintiff in this action.)

Plaintiff, [are]

v.

CARL D. SIMMONS 'bailie.'
2 CRIM. B108576 'bailie.'
SB No. 214013 'bailie.'
CARL DWAYNE SIMMONS 'bailie.'

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1308 IEG BLM

Civil Case No. REV. COA703/97



A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below. 52. Black L.D. ISBN 0-87434-126-4 ISSN 0273-320X [Temporary Judge] Compassionate Use Act of 1996. 42. U.S. - In re Balsamo, D.C. 111, 306 F.Supp. 1028.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, 'vital feature' (print Plaintiff's name) 'equitable assignment,' who presently resides at 'private attorneys general' (mailing address or place of confinement) 'Sheriff,' were violated by the actions of the below named individuals. The actions were directed against Plaintiff at 'turncoat' 'representative' ~~entity treatment~~ on (dates) 'L.S.' 'series,' and 'seal.' (institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

'Application for Passport by Mail';
'Application for Passport by Mail'

ENTERED MAR 20 2008

Defendant CARL DWAYNE SIMMONS resides in 'coroner's register.'
(name) (County of residence)
 and is employed as a 'Inmate Grievance Procedure'
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: 'Judicial Council Form 982 (a)(23).'

Defendant SB No. 214013 resides in 'coroner's register.'
(name) (County of residence)
 and is employed as a 'Inmate Grievance Procedure'
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: 'Judicial Council Form 982 (a)(23).'

Defendant 2 CRIM. B108516 resides in 'coroner's register.'
(name) (County of residence)
 and is employed as a 'Inmate Grievance Procedure'
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: 'Judicial Council Form 982 (a)(23).'

Defendant CARL D. SIMMONS resides in 'coroner's register.'
(name) (County of residence)
 and is employed as a 'Inmate Grievance Procedure'
(defendant's position/title (if any))
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting
 under color of law: 'Judicial Council Form 982 (a)(23).'

0707121 	0714474 
0724374 	0724374 

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: **VIOLATION OF THIS ORDER IS A**
(E.g., right to medical care, access to courts,
CRIME PUNISHABLE UNDER SECTION 422.77 OF THE PENAL CODE
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.] **ATTENTION: THIS MATTER IS ENTITLED TO PRIORITY AND SUBJECT TO THE EXPEDITED HEARING AND REVIEW PROCEDURES CONTAINED IN SECTION 1094.8 OF THE CODE OF CIVIL PROCEDURE.**

SVSP PRIORITY DUCAT	
FAILURE TO REPORT MAY RESULT IN A CDC-115	
INMATE	
E96088 ~ SIMMONS ~ C8-223L	
DATE: Wednesday, June 07, 2006	TIME: 8:00
LOCATION: Facility C Clinic	
REASON: MD Line	
AUTHORIZED BY:	PRIORITY
	INMATE ASSIGNMENT OFFICE
ARRIVAL TIME:	DEPARTURE TIME:
STAFF SIGNATURE:	EXT:

PRIORITY MEDICAL DUCAT CDC 129
FAILURE TO SHOW CAN RESULT IN A CDC 115
DUCAT PASS DATE: 5/22/08
VALID DURING HOURS OF ASSIGNMENT
NUMBER: E96088 NAME: SIMMONS CELL: B5-246L

PASS TO: B-YARD CLINIC

REASON: DENTAL APPOINTMENT

TIME: 1200

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

Count 2: The following civil right has been violated: VIOLATION OF THIS ORDER IS A
 (E.g., right to medical care, access to courts,
CRIME PUNISHABLE UNDER SECTION 422.77 OF THE PENAL CODE
 due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 2.] *If you believe the plaintiff may not be entitled to possession of the property claimed, you may wish to seek the advice of an attorney. Such attorney should be consulted promptly so that he may assist you before the time set for the hearing.*

SVSP PRIORITY DUCAT	
FAILURE TO REPORT MAY RESULT IN A CDC-115	
INMATE	
E96088 - SIMMONS - C6-222U	
DATE: Monday, December 22, 2003	TIME: 9:00
LOCATION: CTC	
REASON: Optometry	
AUTHORIZED BY: TJC	PRIORITY
INMATE ASSIGNMENT OFFICE	
ARRIVAL TIME:	DEPARTURE TIME:
STAFF SIGNATURE:	EXT:


PRIORITY MEDICAL DUCAT CDC 129
 FAILURE TO SHOW CAN RESULT IN A CDC 115
DU CAT PASS DATE: 6/26/08
VALID DURING HOURS OF ASSIGNMENT
 NUMBER: E96088 NAME: SIMMONS CELL: B5-246L
 PASS TO: CENTRAL HEALTH
 REASON: AUDIOLOGY CLINIC
 TIME: 0800
 ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

Count 3: The following civil right has been violated: VIOLATION OF THIS ORDER IS A
 (E.g., right to medical care, access to courts,

CRIME PUNISHABLE UNDER SECTION 422.9 OF THE PENAL CODE

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 3.] You may file affidavits on your own behalf with the court and may appear and present testimony on your own behalf. However, if you fail to appear, the plaintiff will apply to the court for a writ of possession of a manufactured home, mobile home, or real property.

SVSP PRIORITY DUCAT	
FAILURE TO REPORT MAY RESULT IN A CDC-115	
INMATE	
E96088 ~ SIMMONS ~ C6-222U	
DATE: Friday, December 05, 2003	TIME: 10:00
LOCATION: Facility C Clinic	PRIORITY
REASON: Medical Appointment	
AUTHORIZED BY: 	INMATE ASSIGNMENT OFFICE
ARRIVAL TIME:	DEPARTURE TIME:
STAFF SIGNATURE:	EXT:

PRIORITY MEDICAL DUCAT PASS (CDC 629) DATE: 7/2/08
VALID DURING HOURS OF ASSIGNMENT
FAILURE TO SHOW MAY RESULT IN CDC 115

NUMBER: E96088 NAME: SIMMONS CELL: B5-246L

PASS TO: B-YARD CLINIC

REASON: RN LINE - TRIAGE

TIME: 1100

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

**MUST BRING ALL
MEDICATIONS**

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No. 11. Insurance policies 'Visiting'.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

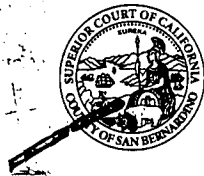
(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No. *U.S. — Mannington Mills, Inc. v. Congoleum Corp., C.A. N.J., 595 F.2d 1287.*

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought. *[Claims Against Counties or Cities, etc.] 'McDonald's'*



SUPERIOR COURT OF CALIFORNIA
County of San Bernardino
Joshua Tree District
6527 White Feather Road
P.O. Box 6602
Joshua Tree, CA 92252

♻ Recycled

Calipatria State Prison
Warden's Office

APR 23 2008

Received

Calipatria State Prison
Chief Deputy Warden's

JUN 17 2008

Received

'prison-delivery 6 rule,' 'Realtor'

E. Request for Relief

Plaintiff requests that this Court grant the following relief: 0874341264/88 \$00.00 + \$.75.

1. An injunction preventing defendant(s): (1) The signature of the officer, or, in his or her absence, the ~~ind~~ individual acting on behalf of the officer, or the signature of the person aggrieved. *Two indices managing agent. the prayer for relief.*
2. Damages in the sum of \$ 200 "bandying" adults only.
3. Punitive damages in the sum of \$ 10,000.80. Minimum Contacts lacking (Rx)
4. Other: "And the plaintiff (or your orator) prays for such further or other relief as the nature of the case may require, and as may be agreeable to equity and good conscience."

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.) "Larrison rule," "representative"

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences. 1. U.S.— *The Armstrong v. U.S., Dev. Ct. Cl. §§ 20, 21.*

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions. 2. U.S.— *The Armstrong v. U.S., Dev. Ct. Cl. §§ 23, 24.*

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below. 3. U.S.— *The Armstrong v. U.S., Dev. Ct. Cl. §§ 16-18.*
Choose only one of the following: *POSSIBLE -*

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct. *So, Freedom of speech*

5/20/2008
Date

Seal? CCW Approved? L.S.?
Signature of Plaintiff

Calipatria State Prison Wardens Office
JUN 17 2008
Received

David Y. Stanley
Lawyer
3104 "O" Street #195
Sacramento, CA 95816-6519
(916) 452-9185

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATIONS

June 7, 1997

Mr. Carl Dwayne Simmons
E-96088
P. O. Box 5500
Wasco, CA 93280

CONFIDENTIAL

RE: People v. Simmons, B108576, Santa Barbara Co. No. SB214013

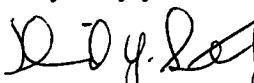
Dear Mr. Simmons:

I have just completed writing our opening brief, and your copy was mailed to you today. I will not get this letter to the post office until Monday, so you should have the brief first.

I need to advise you of two concerns and ask that you respond with how you would like to proceed after you have read the opening brief and this letter. The two concerns both involve risks in proceeding with the appeal, although I do not think either is too likely to be a problem. First, the court stayed sentence on one of the counts which carried a potential life sentence. I think the court was legally correct in doing so, but a contrary argument could be made. The argument would be that stay of the sentence was legally unauthorized and that sentence should have been imposed consecutively. While a person generally cannot be "penalized" for appealing, an exception to that rule exists for "unauthorized" sentences. This issue is much more likely to be raised if you proceed with the appeal, so you could protect against it to a large degree by dismissing your appeal. In light of the length of your current sentence, and the fact this is only a moderate risk, I assume you will want to continue with the appeal, but I would like to hear from you one way or the other on that point.

The other risk is that the court neglected to impose a restitution fine although the statute requires a fine of \$200 to \$10,000. Such fines can be collected from prison wages and prisoner accounts, so money on your books could be taken for that purpose. In light of these two problems, I am enclosing a stamped, addressed envelope for you to let me know whether you want to proceed with the appeal, or to dismiss it to reduce these risks. Thank you.

Very truly yours,


David Y. Stanley

Carl Simmons E-96088
Calipatria State Prison
P. O. Box 5002
Calipatria, CA 92233

B5-246

United States District Court
for the
Northern District of California
June 8, 2000

* * CERTIFICATE OF SERVICE * *

Case Number: 3:00-cv-01563

Simmons

vs

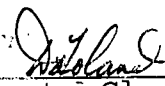
Lamarque

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 8, 2000, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carl D. Simmons
Salinas Valley State Prison
E-96088
31625 Highway 101
P.O. Box 1020
Soledad, CA 93960

Richard W. Wieking, Clerk

BY: 
Deputy Clerk

PRIORITY MEDICAL DUCAT" CDC 129
FAILURE TO SHOW CAN RESULT IN A CDC 115
DUCAT PASS DATE: 5/29/08
VALID DURING HOURS OF ASSIGNMENT
NUMBER: E96088 NAME: SIMMONS CELL: B5-246L
PASS TO: CENTRAL HEALTH
REASON: AUDIOLOGY CLINIC
TIME: 0730
ARRIVAL TIME: RECORDED BY:
DEPART TO: TIME: RECORDED BY:

F I L E C O P Y

dt

United States District Court
for the
Northern District of California
June 8, 2000.

* * CERTIFICATE OF SERVICE * *

Case Number: 3:00-cv-01563

Simmons

vs

Lamarque


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 8, 2000, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carl D. Simmons
Salinas Valley State Prison
E-96088
31625 Highway 101
P.O. Box 1020
Soledad, CA 93960

Richard W. Wieking, Clerk

BY:


Deputy Clerk

PRIORITY MEDICAL DUCAT PASS (CDC 629) DATE: 7/7/08	
VALID DURING HOURS OF ASSIGNMENT	
FAILURE TO SHOW MAY RESULT IN CDC 115	
NUMBER: E96088	NAME: SIMMONS
CELL: B5-246L	
PASS TO: B-YARD CLINIC	
REASON: MEDICAL APPOINTMENT <u>MUST BRING ALL MEDICATIONS</u>	
TIME: 1100	
ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

dt

United States District Court
for the
Northern District of California
October 13, 1999

* * CERTIFICATE OF SERVICE * *

Case Number:3:99-cv-04458

Simmons

vs

Wilson

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

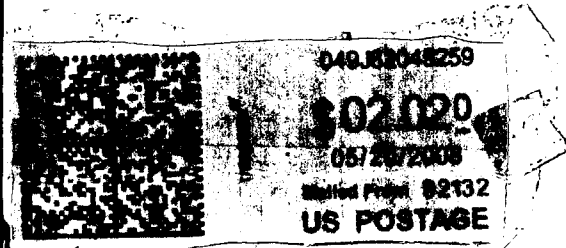
That on October 13, 1999, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carl Simmons
CSP-Salinas Valley IV
E-96088
P.O. Box 1060
Soledad, CA 93960

Richard W. Wieking, Clerk

DAWN K. TOLAND

BY: _____
Deputy Clerk



STATE OF CALIFORNIA

CDC 1858 (2/97)

DEPARTMENT OF CORRECTIONS

RIGHTS AND RESPONSIBILITY STATEMENT

The California Department of Corrections has added departmental language (shown inside brackets, in non-boldface type) for clarification purposes.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

California Department of Corrections and Rehabilitation
Board of Parole Hearings
P.O. Box 4036
Sacramento, California 95812-4036

COMPLAINANT'S PRINTED NAME	COMPLAINANT'S SIGNATURE	DATE SIGNED	
INMATE/PAROLEE PRINTED NAME	INMATE/PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

DISTRIBUTION:

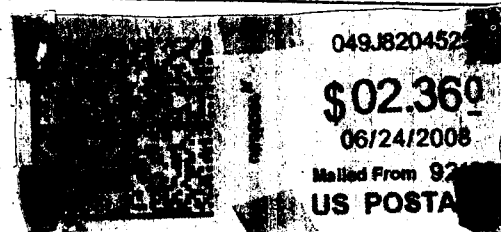
ORIGINAL

PUBLIC - Institution Head/Parole Administrator

Inmate/Parolee - Attach to CDC form 602

Employee - Institution Head/Parole Administrator

COPY - Complainant



JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1984, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Carl D. Simmons

People of the State of CAL 17 2008

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

FILED

Yes **No**

IF MOTION MADE

Yes **No**

COMPLAINT TO

Court **Branch**

RESIDENCE OF FIRST LISTED DEFENDANT (U.S. PLAINTIFF CASES ONLY)

FILED

CAL 17 2008

CLERK, U.S. DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BY **DEPUTY**

CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Carl D. Simmons
PO Box 5001
Calipatria, CA 92233
E-96088

ATTORNEYS (IF KNOWN)

'08 CV 1308 IEG BLM

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|----------------------------|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of This State | Incorporated or Principal Place of Business in This State | | |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen of Another State | Incorporated and Principal Place of Business in Another State | | |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| Citizen or Subject of a Foreign Country | Foreign Nation | | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input checked="" type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.e.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 7/17/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Miley